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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
VENETIA KAPERNEKAS,

Plaintiff,

-against-

UDO FRITZ-HERMANN BRANDHORST
and THE BRANDHORST FOUNDATION

Defendants.
-----X

**REPLY DECLARATION OF
UDO FRITZ-HERMANN
BRANDHORST IN FURTHER
SUPPORT OF DEFENDANT'S
MOTION TO DISMISS THE
AMENDED COMPLAINT**

No. 08-CV-4046 (JSR)

Udo Fritz-Hermann Brandhorst, an individual located outside the United States, makes this declaration pursuant to 28 U.S.C. § 1746, and states the following under penalty of perjury under United States law:

1. I am the defendant in this action, and I make this declaration in further support of my motion to dismiss the Amended Complaint.
2. By July 2, 2002, the date on which Venetia Kapernekas transferred the funds from the Swiss account, my personal relationship with her was already over.
3. In her papers, Ms. Kapernekas alleges that certain statements I made about the Swiss Bank Account No. 16 622.***.** at the Bank of Basel were erroneous. I have given my best recollection of matters relating to that account, but my secretary destroyed all of our documents relating to this account years ago, in the ordinary course of business. We understood from Ms. Kapernekas' written instructions, dated July 2, 2002, the account was closed at or about that time, and as such, no further information about it would be needed. All

documentation concerning that account is, therefore, now in the possession of Ms. Kapernekas and the bank.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 2, 2008.

Dated: Hittenkirchen, Germany
July 2, 2008



Udo Fritz-Hermann Brandhorst